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September 1, 1999

U.S. Department of Transportation Dockets  
Federal Aviation Administration  
Docket No. FAA-99-5926 - 32  
Docket No. FAA-99-5927 - 32  
400 Seventh Street, SW  
Washington, DC 20590

RE: Special Flight Rules in the Vicinity of the Grand Canyon National Park

Dear Sir or Madam:

The Aircraft Owners and Pilots Association (AOPA) submits the following comments to the Federal Aviation Administration's (FAA) Notices Concerning the Modifications to the Dimensions of the Special Flight Rules Area (SFRA), Flight Free Zones (FFZ) and Air Tour Routes in the Vicinity of the Grand Canyon National Park (GCNP). AOPA represents over 340,000 members of the general aviation community flying for business and personal transportation. AOPA is opposed to actions published in the final rule that was issued in December of 1996 (with an effective date of January 2000) and we are opposed to some of the proposed modifications published in the July 1999 notices.

**General Comments:** The Association is opposed to regulatory altitude restrictions for general aviation over national parks. Over the years AOPA has demonstrated its concern for our national parks by promoting pilot education, and encouraging civil pilots to observe a recommended 2,000 feet AGL flight altitude above parklands. Cooperation between general aviation pilots and the National Park Service (NPS) has always been a cornerstone of aviation's efforts to preserve the park experience of ground visitors. The current voluntary overflight altitude of 2,000 feet AGL is one result of this cooperation. Another result, of this cooperation, has been the development of *FAA Advisory Circular (AC) 91-36C - Visual Flight Rules (VFR) Flight Near Noise Sensitive Areas*. This AC gives pilots guidance on avoiding noise sensitive areas.

Virtually all general aviation aircraft observe the current recommended altitude of 2,000 feet AGL or more above National Parks. General aviation pilots have as much or more interest in preserving and maintaining the natural quiet over national park lands as any other group. Since the advent of air travel we have been flying over these awe-inspiring areas where nature remains in its primitive state. General aviation overflights do not contribute litter nor demand multiple lane highways. Pilots view our National Parks from the solitary platform of their aircraft and depart without so much as disturbing a single plant.

AOPA understands the responsibility placed upon the government with respect to Public Law 100-9 1. However, AOPA believes that the changes to the GCNP SFRA violate the Congressional intent of this law. The law's scope should be limited to addressing commercial sightseeing noise issues at the park. AOPA is opposed to the proposed changes of the GCNP SFRA because they unreasonably restrict general aviation.

The conditions at GCNP that prompted the SFRA are unique. The combination of unusual terrain and a high volume of air tour traffic are unmatched anywhere else in the United States. For these reasons, AOPA has accepted the current SFRA even though it is inherently discriminatory. The SFRA forces all general aviation flights over the Grand Canyon to take place at a higher altitude than flights by commercial air tour operators.

We believe that the current SFRA addresses both the intent and spirit of Public Law 100-9 1 and further changes are unnecessary and unduly restrictive. The final rule published in December of 1996 and the currently proposed rules unfairly penalize transient general aviation operations by restricting access, imposing aircraft performance penalties, and increasing the costs associated with overflights.

**Methodology Comments:** AOPA questions why the FAA did not use negotiated rulemaking to develop these rulemaking actions. This is especially troublesome, given the recent success the National Park Overflights Working Group had in drafting a consensus document of recommendations for a National Park Overflights Proposed Rule. In this process, representatives of the commercial air tour industry, general aviation, NPS, FAA, and Native American community drafted a proposed rule and reached nearly unanimous agreement regarding the regulatory management of air tours over national parklands.

Over the past few years, the FAA Administrator has repeatedly stressed the importance of collaborative decision making and industry consensus on issues. The Administrator advocates moving from what many have characterized as a "command and control" method of developing regulations to negotiated rulemaking. The FAA should therefore strive for industry consensus on the GCNP SFRA. AOPA recommends that the FAA withdraw the current rulemaking actions and form a Grand Canyon Overflight Working Group to develop a consensus rule for GCNP.

The proposed rules are premised on a noise methodology that has not been formally adopted. In the NPRM entitled *Modifications of the Dimensions of the GCNP SFRA*, the FAA states that the rulemaking is premised on the NPS noise evaluation methodology for GCNP. This noise evaluation is still under review and is very controversial. The methodology has been seriously challenged by noise experts and congress. It is premature to issue these proposed rules based on a pending methodology. The FAA should withdraw the current rulemaking actions until the NPS noise evaluation methodology is validated and adopted.

**Operational Comments:** Over 1/3 of the general aviation fleet cannot presently achieve the 14,500' altitude restriction of the SFRA, let alone meet the supplemental oxygen requirement (per CFR14 Part 91.211). Because of these limitations, many general aviation aircraft cannot comply with the overflight altitude restrictions imposed by the SFRA and FFZs, and are forced to circumnavigate around the area. In addition to incurring time and financial penalties, pilots face safety and regulatory concerns when they find themselves squeezed by summer storms. Pilots need safe, legal escape routes from rapidly developing thunderstorms and squall lines. This is especially true during monsoon season when high density altitude becomes a critical factor in aircraft performance. Unlike other controlled airspace, the GCNP has no controlling authority to contact for permission to penetrate the boundaries or transition the area when confronted with need to deviate around hazardous weather or flight conditions. For these reasons, the boundaries of the current SFRA should not be expanded, and the general aviation overflight altitudes should not be raised.

AOPA supports the FAA's finding that general aviation aircraft have no significant impact on noise in the GCNP. In the Noise Evaluation Section of the NPRM on commercial air tours, the FAA explains that the benefits analysis is limited to commercial air tour aircraft noise. The FAA goes on to recognize that non-sightseeing aircraft operate above the SFRA and through the corridors, but that the noise produced by these aircraft is very small and does not affect the accuracy of their estimates. AOPA strongly supports this FAA conclusion concerning the lack of general aviation noise impact at the GCNP.

**Airspace Comments:** AOPA is opposed to the proposed modification of the eastern boundaries of the SFRA and Desert View FFZ. The FAA proposes moving their eastern boundaries five (5) nautical miles to the east respectively. This action places a general aviation roadblock on the southeastern border of the SFRA, because it would abut within one (1) nautical mile of the Sunny Military Operations Area (MOA). This effectively blocks general aviation traffic from safely avoiding the MOA and legally avoiding the SFRA when flying from the south to destinations such as Tuba City and Page. The Sunny MOA is a very active military jet fighter training area used by F- 16, F- 15, and F- 18 aircraft for basic fighter maneuver (BFM) training, fighter intercept training, fighter transition training, and fighter formation flight training. These aircraft operate at just below the speed of sound and prudent general aviation pilots will not hazard to fly through the MOA when it is active. And, because it is difficult for general aviation pilots to get status information regarding the activity in MOAs, a full 1/3 of the pilots we have surveyed have stated they must treat MOA airspace like it is active and automatically fly around the airspace. For these reasons, the FAA should modify the southeastern boundary to allow at least five (5) nautical miles of airspace between the boundary of the SFRA and the Sunny MOA.

AOPA is opposed to the expansion of the Desert View FFZ outside the boundaries of the GCNP. The FAA states that this proposed action is solely for the purpose of protecting Traditional Cultural Properties. Clearly, this action is outside the scope of Public Law 100-91. The mandate of Public Law 100-91 is for the restoration of natural quiet within the boundaries of the GCNP and the FAA and the NPS should not miss-use this mandate as a bargaining tool with other entities.

The 1996 final rule contains additional airspace changes that have a significant impact on general aviation and AOPA strongly objected to parts of this final rule. In 1997, shortly after the rule was published, AOPA petitioned the FAA for reconsideration. We specifically objected to the elimination of the Fossil Canyon Corridor and the raised floors of the marble Canyon and North Canyon Sectors. This rule will become effective in January of 2000, but, to date, the FAA has not answered our petition or addressed our concerns.

The Marble Canyon Sector raises the floor from 5,999' MSL to 7,999' MSL. The expanded Marble Canyon Sector also increases the floor of the previous North Canyon Sector from 3,999' MSL to 7,999' MSL. These actions unfairly penalize general aviation flights, when it is clear that they do not contribute to the noise problems. The sector altitudes for general aviation overflights should be restored to the original altitudes of 5,999' MSL and 4,999' MSL respectively.

The December 1996 final rule also eliminates the former Fossil Canyon Corridor and the proposed Tuckup Corridor. AOPA believes that these should be restored and charted for general aviation use. The legislative intent of Public Law 100-91 was to address noise issues, not unduly restrict transient aircraft from flying over the canyon. These corridors help mitigate the inherently discriminatory nature of the SFRA and provide relief to general aviation pilots who need to transition the airspace.

The December final rule also raises the ceiling of the Grand Canyon Special Flight Rules Area from 14,499 to 17,999 feet MSL. While the proposed rules will still allow flight above 14,499 feet MSL, raising the SFRA ceiling makes it easier to impose additional altitude restrictions in the future. AOPA suspects that the FAA intends the new ceiling of the SFRA to act as a "triggering altitude." A triggering altitude is the altitude below which commercial air tours will be subject to regulation. If this is the case, the FAA should clarify this action in the final rule by including language stating that the new ceiling will not impact other types of non-commercial general aviation flights.

The rule creates flight corridors to permit aircraft to cross the canyon at less than 14,500 feet. However, these corridors are difficult to identify from the air and the Dragon and Zuni Point corridors both have "dog leg" course changes that make navigation extremely difficult and increase the chance a pilot could inadvertently transgress into a flight-free zone. To aid pilots in navigating through the airspace, the FAA should identify and chart VFR waypoints and latitude and longitude coordinates for the corridors.

Without the above mitigation, the December 1996 final rule and the current notices significantly compound the discriminatory nature of the SFRA. It unfairly penalizes general aviation, non-commercial operations by restricting access, imposing aircraft performance penalties and increasing costs associated with overflights.

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AOPA understands the responsibility placed upon the government with respect to Public Law 100-9 1. However, AOPA believes that the cumulative impact of the grand Canyon rules and proposed rules violate the congressional intent of this law. The law's scope should be limited to regulating commercial sightseeing flights. AOPA stands committed to work cooperatively with the FAA, and the NPS, and others to develop a negotiated rule that addressed legitimate concerns in a fair and effective manner.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Bailey', with a stylized flourish at the end.

Melissa K. Bailey  
Director  
Air Traffic Services

Cc:

Mr. John Walker  
Mr. Reginald Matthews